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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,589

Applicant(s)

KELSEY, JULIAN BENJAMIN

Examiner

Paul Nguyen-Ba

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/8/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Applicant's Amendment and Remarks filed on 8/26/2004.
2. Claims *1,3-9,11-17 and 19-24* are currently pending. Claims 1, 9, and 17 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Australian Application PQ 4799, filed on December 22, 1999.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-7, 9, 12-15, 17, 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. ("Lynch"), U.S. Patent No. 6,558,431, in view of Michael

Fourman and the University of Edinburgh, 22 Balanced Search Trees, © 1994-2004 (available at <http://homepages.inf.ed.ac.uk/mfourman/teaching/mlCourse/notes/L22.html>).

Independent Claims 1, 9, and 17

Lynch discloses a method, apparatus, and computer readable medium to *restructure an input HTML document to comply with strict HTML* (refer to Title and Abstract), comprising:

linearly traversing the input HTML document to create a hierarchical tree structure representation, the traversal maintaining a current insertion point for elements within the tree structure representation (col. 3, lines 12-16; col. 4, lines 40-50; see also Figure 7 → The file is read and interpreted by a parser, which uses the validator during interpretation. The parser forms the hierarchical internal tree for the HTML document, with formatting and other information attached to text or tag nodes of the tree);

during the traversal, *identifying elements of the input HTML document that violate strict HTML* (col. 6, lines 4-21 → validator comprises a "strict validation table");

retracing the tree structure representation from the current insertion point to identify a further insertion point from which the identified element can depend, the retracing comprising noting each parent element of the identified element passed during the retracing; at the further insertion point, creating new elements in the tree structure representation corresponding to the parent elements passed during the retracing, the new elements being created in reverse chronological order to that encountered during the retracing; appending the identified element to a terminal one of the new elements by creating a link from the appended identified element to a first parent element

encountered during the retracing (see col. 1, lines 53-67 to col. 2, lines 1-46; col. 3, lines 38-40; col. 6, lines 33-36; see also Figs. 2, 3, 4A, 413, and 5 → User can pre-set preferences to correct invalid HTML that does not conform to "strict" HTML conventions. The prior art teaches that if an element (node) is found to violate "strict" HTML conventions during tree parsing, the parent nodes are noted when retracing up the tree structure in order to find the appropriate location to append the newly created element (i.e. the missing tag) to the parent to correct the invalid HTML. The newly created element is then inserted by tracing down the tree structure to the appropriate parent to which the newly created element depends), and *converting the tree structure representation into an output HTML document* (col. 4, lines 50-57, col. 5, lines 24-36).

Lynch further implicitly discloses *appending the identified element to a terminal one of the new elements by creating a link from the appended identified element to a first parent element encountered during the retracing*. Referring to Fig. 3 (303) in Lynch, the child element 'b' is appended to its first parent element node 'p' by means of a link during the retracing. Furthermore, Fourman explicitly discloses that when a node needs to be added as a child of the original node's parent, it is possible to proceed in a recursive manner while retracing the path followed by the initial search through the tree (see pg. 3 → 2nd to last paragraph) for the purpose of appending a child node to its first parent node.

Since Fourman and Lynch are both from the same field of endeavor, the purposes disclosed by Fourman would have been recognized in the pertinent art of Lynch. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to

Art Unit: 2176

modify the teaching of Lynch with the teachings of Fourman to include appending the identified element to a terminal one of the new elements by creating a link from the appended identified element to a first parent element encountered during the retracing for the purpose of appending a newly inserted child node to its first parent node.

Claims 4, 12, 20

Lynch further discloses *copying a syntax of the first parent element encountered during the retracing to the appended element* (col. 2, lines 8-31, col. 3, lines 12-23; col. 4, lines 40-50; see also Fig. 3 → HTML standard only allows preset rules governing the formation of a systematic orderly arrangement, which is reflected in the syntax when children elements are appended to a parent node).

Claims 5, 13, 21

Lynch further discloses one or more of *the* elements comprises information associated therewith, comprising:

performing an initial pass of the input HTML document to identify the elements having the associated information, and maintaining a record of each such element and the corresponding associated information whereby each time the element is placed in the tree structure representation, the corresponding associated information is associated therewith (col. 3, lines 12-23; col. 4, lines 40-50 → formatting information and other information is attached to each text or tag node).

Claims 6, 14, 22

Lynch discloses the further step of *reproducing the output HTML document* (col. 5, lines 24-36 → editor uses generator to form the HTML document from the tree).

Claims 7, 15, 23

Lynch further discloses *output HTML document being reproduced using a video display* (col. 5, lines 11-23; see also Fig. 11 → “what-you-see-is-what-you-get” view).

6. Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. (“Lynch”), U.S. Patent No. 6,558,431, in view of Miles et al. (“Miles”), U.S. Patent No. 6,035,326.

Claims 3, 11, 19

Lynch discloses *creating a link from the appended identified element to a first the parent element encountered during the retracing* (see Figs. 2, 3, 4A, 5), but does not specifically disclose wherein the link comprises a vector.

Miles discloses that each component of the vector represents a link to list of subdomain tree roots (col. 3, lines 29-37) for the purpose of providing quick and efficient hierarchical table lookups (col. 1, lines 9-13, 59-61).

Since Miles and Lynch are both from the same field of endeavor, the purposes disclosed by Miles would have been recognized in the pertinent art of Lynch. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Lynch with the teachings of Miles to include a vector for the links for the purpose of providing quick and efficient hierarchical tree lookups.

Art Unit: 2176

7. Claims 8, 16, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch et al. ("Lynch"), U.S. Patent No. 6,558,431.

Claims 8, 16, 24

Lynch does not specifically disclose *output HTML document being reproduced using a printer*. However, it was commonly known to those of ordinary skill in the art that reproducing output via a printer is commonly accepted means of converting the displayed text, graphics, etc. into a hard-copy paper version.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate a printer to the teaching of Lynch for the purpose of converting the displayed HTML output into a hard-copy paper version.

Response to Arguments

8. Applicant's arguments filed on 8/26/2004 have been considered but are moot in view of the new ground(s) of rejection.

Note: Examiner has included initialed copy of Information Disclosure Statement corresponding to Form PTO-1449 filed on 3/3/2003 as requested by applicant.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2176


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 10 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB


SANJIV SHAH
PRIMARY EXAMINER